

01-14-04

AF/3629
PTO/SB/21 (08-03)

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|---|---|------------------------|--------------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | | Application Number | 10/028,888 |
| | | Filing Date | December 19, 2001 |
| | | First Named Inventor | Nowlin, Jeffrey G. |
| | | Art Unit | 3629 |
| | | Examiner Name | Richard S. Woo |
| Total Number of Pages in This Submission | 1 | Attorney Docket Number | 020375-006500US |

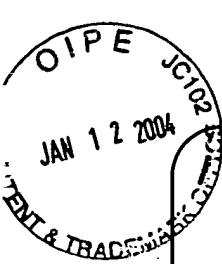
| ENCLOSURES (Check all that apply) | | |
|--|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Transmittal of Appellant's Brief under 37 CFR 1.192 2. Return Postcard |
| Remarks | | The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430. |

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| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | JAN 21 2004 |
|--|---|-----------------|
| Firm or Individual | Townsend and Townsend and Crew LLP Stephen F. Jewett | Reg. No. 27,565 |
| Signature | | |
| Date | January 12, 2004 | |

GROUP 3600

| CERTIFICATE OF MAILING | | |
|--|----------------|------------------|
| Express Mail Label: EV 325767905 US | | |
| I hereby certify that this correspondence is being deposited with the United States Postal Service with "Express Mail Post Office to Address" service under 37 CFR 1.10 on this date January 12, 2004 and is addressed to: | | |
| Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 | | |
| Typed or printed name | Bonnie Rickles | |
| Signature | | Date |
| | | January 12, 2004 |

**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 330

Complete if Known

| | |
|----------------------|--------------------|
| Application Number | 10/028,888 |
| Filing Date | December 19, 2001 |
| First Named Inventor | Nowlin, Jeffrey G. |
| Examiner Name | Richard S. Woo |
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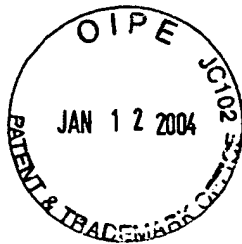
| METHOD OF PAYMENT (check all that apply) | | | | |
|---|--------------------------------------|--------------------------------------|--------------------------------|--|
| <input type="checkbox"/> Check | <input type="checkbox"/> Credit Card | <input type="checkbox"/> Money Order | <input type="checkbox"/> Other | <input type="checkbox"/> None |
| <input checked="" type="checkbox"/> Deposit Account: | | | | |
| Deposit Account Number | 20-1430 | | | |
| Deposit Account Name | Townsend and Townsend and Crew LLP | | | |
| The Director is authorized to: (check all that apply) | | | | |
| <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments | | | | |
| <input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s) | | | | |
| <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account. | | | | |
| FEE CALCULATION | | | | |
| 1. BASIC FILING FEE | | | | |
| Large Entity | Small Entity | Fee Code | Fee (\$) | Fee Description |
| | | 1001 | 770 | Utility filing fee |
| | | 1002 | 340 | Design filing fee |
| | | 1003 | 530 | Plant filing fee |
| | | 1004 | 770 | Reissue filing fee |
| | | 1005 | 160 | Provisional filing fee |
| SUBTOTAL (1) | | | | (\$) |
| 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE | | | | |
| Total Claims | Extra Claims | Fee from below | Fee Paid | |
| Independent Claims | ** | | | |
| Multiple Dependent | | | | |
| Large Entity | Small Entity | Fee Code | Fee (\$) | Fee Description |
| | | 1202 | 18 | Claims in excess of 20 |
| | | 1201 | 86 | Independent claims in excess of 3 |
| | | 1203 | 290 | Multiple dependent claim, if not paid |
| | | 1204 | 86 | ** Reissue independent claims over original patent |
| | | 1205 | 18 | ** Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) | | | | (\$) |
| ** or number previously paid, if greater; For Reissues, see above | | | | |

| FEE CALCULATION (continued) | | | | |
|-----------------------------------|----------|----------|----------|--|
| 3. ADDITIONAL FEES | | | | |
| Large | Entity | Small | Entity | Fee Description |
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Paid |
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet. |
| 1053 | 130 | 1053 | 130 | Non-English specification |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for reexamination |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month |
| 1252 | 420 | 2252 | 210 | Extension for reply within second month |
| 1253 | 950 | 2253 | 475 | Extension for reply within third month |
| 1254 | 1,480 | 2254 | 740 | Extension for reply within fourth month |
| 1255 | 2,010 | 2255 | 1,005 | Extension for reply within fifth month |
| 1401 | 330 | 2401 | 165 | Notice of Appeal |
| 1402 | 330 | 2402 | 165 | Filing a brief in support of an appeal |
| 1403 | 290 | 2403 | 145 | Request for oral hearing |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding |
| 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable |
| 1453 | 1,330 | 2453 | 665 | Petition to revive - unintentional |
| 1501 | 1,330 | 2501 | 665 | Utility issue fee (or reissue) |
| 1502 | 480 | 2502 | 240 | Design issue fee |
| 1503 | 640 | 2503 | 320 | Plant issue fee |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner |
| 1807 | 50 | 1807 | 50 | Petitions related to provisional applications |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) |
| 1809 | 770 | 2809 | 385 | Filing a submission after final rejection (37 CFR § 1.129(a)) |
| 1810 | 770 | 2810 | 385 | For each additional invention to be examined (37 CFR § 1.129(b)) |
| 1801 | 770 | 2801 | 385 | Request for Continued Examination (RCE) |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application |
| Other fee (specify) _____ | | | | |
| *Reduced by Basic Filing Fee Paid | | | | SUBTOTAL (3) (\$330) |

| SUBMITTED BY | | Complete (if applicable) | | | |
|-------------------|-------------------|-----------------------------------|------------------|-----------|--------------|
| Name (Print/Type) | Stephen F. Jewett | Registration No. (Attorney/Agent) | 27,565 | Telephone | 303-571-4000 |
| Signature | | Date | January 12, 2004 | | |

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PATENT
Attorney Docket No.: 020375-006500US

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Address" service under 37 CFR 1.10 on the date indicated above and is addressed to:

Mail Stop Appeal Brief - Patents

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P.O. Box 1450
Alexandria, VA 22313-1450

TOWNSEND and TOWNSEND and CREW LLP

By: Bonnie Reckles

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS

In re application of:

Jeffrey G. Nowlin et al.

Application No.: 10/028,888

Filed: December 19, 2001

For: WEIGHT MEASURING SYSTEMS
AND METHODS

Examiner: Richard S. Woo

Art Unit: 3629

TRANSMITTAL OF APPELLANT'S
BRIEF UNDER 37 CFR 1.192

Mail Stop Appeal Brief - Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

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JAN 21 2004

GROUP 3600

Appellants hereby transmit three (3) copies of the brief required under 37 CFR 1.192 in connection with the appeal in the above-captioned application. The NOTICE OF APPEAL UNDER 37 CFR 1.191 was filed on November 12, 2003 and received by the Patent and Trademark Office on November 12, 2003.

Appellants hereby request that the fee for filing a brief in support of an appeal, \$330.00, or such greater or lesser amount as the Commissioner may deem is required by 37 CFR 1.17(c), be charged to Deposit Account No. 20-1430.

☒ The brief is being filed under 37 CFR 1.8 and the required Certificate of Mailing appears above.

☐ Appellants hereby request an oral hearing pursuant to 37 CFR 1.194 and hereby request that the fee for filing a request for oral hearing, \$ _____, or such greater or lesser amount as the Commissioner may deem is required by 37 CFR 1.17(d), be charged to Deposit Account No. 20-1430.

☐ Appellants reserve the right to request an oral hearing pursuant to 37 CFR 1.194 following receipt of the Examiner's Answer.

☐ A Petition to Extend Time is enclosed.

Respectfully submitted,

TOWNSEND and TOWNSEND and CREW LLP

Date: 1/12/04

By



Stephen F. Jewett

Reg. No. 27,565

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, CA 94111-3834
Telephone: (303) 571-4321

Enclosures: Appellant's Brief (in triplicate)